

REMARKS

Applicant respectfully requests reconsideration. Claims 1, 3-7, 11-13, 16, 17, 19 and 33 were previously pending in this application. By this amendment, claims 1 and 16 are being amended. As a result, claims 1, 3-7, 11-13, 16, 17, 19 and 33 are pending for examination with claims 1, 11 and 16 being independent claims. No new matter has been added.

Allowable Subject Matter

Applicant acknowledges the Examiner's indication that claims 4 and 17 would be allowable if rewritten in independent form including all of the limitations of their respective base claims.

Claim Objection

Claim 16 stands objected to because of antecedent basis issues. Claim 16 has been amended to address the antecedent basis issues, and withdrawal of the objection to claim 16 is respectfully requested.

Rejection Under 35 U.S.C. §102(b)

Each of independent claims 1, 11 and 16 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,178,620 to Eggers et al. (hereinafter, "Eggers").

According to the Office Action, Eggers discloses a first electrode portion (3) and a second electrode portion (2) which are electrically connected via an electrical lead. The Office Action points to column 5, lines 51-54 in support of this contention.

Guidewire electrode (2) and electrode (3) of Eggers are not electrically connected. As stated in the first paragraph of the Detailed Description of Eggers, "[t]he catheter also includes an electrode 3, disposed on the tip of the catheter 1 and electrically insulated from and spaced by a distance of at least one catheter diameter from the guidewire electrode 2." (Emphasis added). Electrode (3) and guidewire electrode (2) are electrically insulated from each other so that when the catheter and the guidewire are in contact with a resistive mass at the site of an occlusion, current

flows between the electrodes along current flux lines in the resistive mass (see column 6, lines 33-41). That is to say, Eggers heats the resistive occlusive mass by applying a voltage difference between the two electrodes, which then forms a current flow toward the other electrode (see column 3, lines 24-34). The two electrodes in Eggers are not electrically connected in terms of being connected to a same electrical lead, or being in electrically conductive contact with one another, or being connected to the same pole of a power source. Instead, in Eggers, the electrodes of the catheter are electrically insulated from one another so that the only available path for current flow is through an external path, such as a resistive mass targeted for heating.

While Eggers states that the first set of electrodes 2 and 3 are in electrical communication with a source 10 of high frequency current through electrically conducting leads 16, Eggers does not disclose that the electrodes are attached to the same lead. Two separate electrical leads are designated with the number 16 in Figure 1, and it would be clear to one of ordinary skill in the art from reading the entire patent that electrode 2 and electrode 3 are attached to separate electrical leads. For example, Eggers states at column 8, lines 39-46 that guidewire/electrode (2) is covered with an electrically insulating layer (18) except for the tip region (19), and the tip region allows the flow of current (29) between electrodes 2 and 3. Eggers goes on to state that electrode (3) is connected an external source of power by an electrical connection means insulated from guidewire/electrode (2) over the entire length of the catheter. Further, each independent claim recites one electrode which is electrically insulated from another electrode. Clearly, electrode (2) and electrode (3) cannot be attached to the same electrical lead and maintain electrical separation. If guidewire electrode (2) were electrically connected to electrode (3), the application of energy would not result in the flow of current between the two electrodes, and the targeted occlusive mass would not be heated.

Claim 1 of the present application has been amended to recite a first electrode portion and a second electrode portion which are in electrical contact with each other. Independent claim 11 recites electrode having portions which are movable relative to one another and which stay in electrical contact with one another. Claim 16 recites a first ablation electrode portion and a second ablation electrode portion which are electrically connected. As discussed above, guidewire electrode (2) and electrode (3) of Eggers are not electrically connected with each other.

Accordingly, withdrawal of the rejections of each of claims 1, 11 and 16 is respectfully requested for at least this reason.

Each of claims 3-7, 12-13, 17, 19 and 33 depends either directly or indirectly from one of claims 1, 11 and 16, and withdrawal of the rejections of these claims is respectfully requested for at least the same reasons provided above for claim 1, 11 and 16, respectively.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance and a Notice of Allowance is respectfully requested. If the Examiner believes that minor clarifying amendments to the claim would be helpful, the Examiner is requested to call the undersigned at the telephone number listed below.

Applicant believes no fee is due with this response. In the event the U.S. Patent and Trademark Office determines that an extension is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees, not already included, due in connection with the filing of this document to our Deposit Account No. 23/2825 under Docket No. B1075.71014US01 from which the undersigned is authorized to draw.

Dated: February 8, 2011

Respectfully submitted,

By 

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